

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUDGE KAPLAN'S CHAMBERS

LEEWARD CONSTRUCTION COMPANY, LTD.,

X

Civil Action No. 12-CIV-6280

Petitioner,

ECF CASE

-against-

AMERICAN UNIVERSITY OF ANTIGUA- COLLEGE
OF MEDICINE AND MANIPAL EDUCATION
AMERICAS, LLC f/k/a GCLR, LLC,

STIPULATION AND
CONSENT ORDER

Respondents.

X

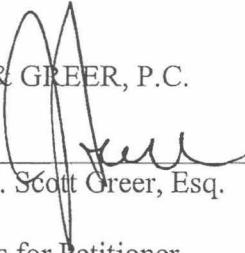
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
attorneys for the parties, that:

1. Pursuant to Fed. R. Civ. Pr. 62 and the *supersedeas* bond attached hereto as
Exhibit A, enforcement of the Judgment (as amended) entered in this action be and hereby is
stayed pending a dismissal with prejudice of the appeal before the Second Circuit Court of
Appeals under Docket No. 13-1708, or any other final disposition of that appeal.

2. The June 27, 2013 Order to Show Cause For a Stay of Judgment Enforcement
Proceedings filed by Respondent American University of Antigua – College and Medicine
("AUA") be and hereby is withdrawn without prejudice.

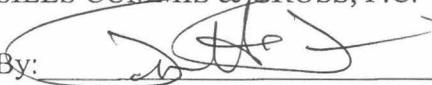
Dated: New York, New York
July 30, 2013

LEWIS & GREER, P.C.

By: 
J. Scott Greer, Esq.

Attorneys for Petitioner
Leeward Construction Company, Ltd.
510 Haight Avenue, Suite 202
Poughkeepsie, New York 12603
Tel: (845) 454-1200
Fax: (845) 454-3315

SILLS CUMMIS & GROSS, P.C.

By: 
Jonathan S. Jemison, Esq.

Attorneys for Respondents
American University of Antigua -- College of
Medicine
Thirty Rockefeller Plaza
New York, NY 10112
Tel: (212) 643-7000
Fax: (212) 643-6500

SO ORDERED:


Hon. Lewis A. Kaplan, U.S.D.J.

8/14/13

Exhibit A

Bond Number 3349772

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK**

LEEWARD CONSTRUCTION COMPANY, LTD.,
Petitioner,

Civil Action No. 12-CIV-6280
ECF CASE

-against-

AMERICAN UNIVERSITY OF ANTIGUA- COLLEGE
OF MEDICINE AND MANIPAL EDUCATION AMERICAS, LLC
f/k/a GCLR, LLC

Respondents

WHEREAS, in the above entitled Court, a Judgment confirming the arbitration award entered in this action on the March 28, 2013, against Respondent, American University of Antigua-College of Medicine ('AUA') and in favor of Leeward Construction Company, Ltd.,

And the said Respondent, feeling aggrieved thereby, intends to appeal therefrom to the United States Court of Appeals for the Second Circuit.

NOW, THEREFORE, the SureTec Insurance Company having an office and principal place of business for the State of New York, c/o Arthur B. Levine Company, Inc., located at 60 East 42nd Street, Room 965, New York, NY 10165 does hereby undertake in the sum of **One Million Seventy Three and 00/100th (\$1,073,000.00)DOLLARS**, that if the above-named Respondent shall satisfy judgment herein in full, if for any reason the appeal is dismissed or if the judgment is affirmed, and shall satisfy in full such modification of the judgment and such cost as the Appellate Court may adjudge and award, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

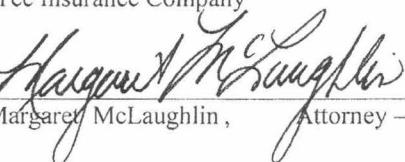
DATE August 6,2013

SureTec Insurance Company

By:

Margaret McLaughlin ,

Attorney – In – Fact



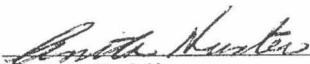
SURETY ACKNOWLEDGMENT:

STATE OF NEW YORK

COUNTY OF NEW YORK

On this 6th day of August, 2013 before me personally came Margaret McLaughlin to me known, who, being by me duly sworn, did depose and say that she is an Attorney-in-Fact of SureTec Insurance Company the corporation described in and which the within instrument; that she knows the corporate seal of said corporation; that the seal affixed to the within instrument is such corporate seal, and that she signed the said instrument and affixed the said seal as Attorney-in-Fact by authority of the Board of Directors of said corporation and by authority of this office under the Standing Resolutions thereof.

My Commission Expires _____


Notary Public

ANITA HUNTER
Notary Public, State of New York
NO. 01HU4828371
Qualified in Richmond County
Commission Expires April 30, 2015

POA #: 3210004

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Anita Hunter, Carol Levine, Sybil Levine, Margaret McLaughlin, Maria Sponza

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Three Million and 00/100 Dollars (\$3,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 6/30/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

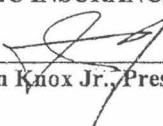
Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

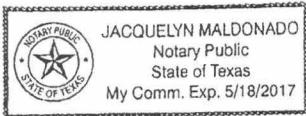
In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.



SURETEC INSURANCE COMPANY

By: 
John Knox Jr., President

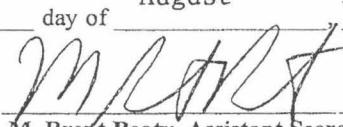
State of Texas SS:
County of Harris




Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 6th day of August 2013, A.D.


M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

SURETEC INSURANCE COMPANY

1330 Post Oak Blvd., Suite 1100

Houston, Texas 77056

(713) 812-0800

Financial Information:

As of:	Dec. 31, 2010	Dec. 31, 2011	Dec. 31, 2012
Total Assets	\$115,996,536	\$122,816,131	\$150,313,814
Total Liabilities	\$48,595,961	\$56,368,950	\$78,014,698
Asset to Liability Ratio	2.3	2.1	1.9
Capital	\$5,000,000	\$5,000,000	\$5,000,000
Net Surplus	\$62,400,576	\$61,447,182	\$67,299,115
Net Life Ins	N/A	N/A	N/A

Premiums:

As of:	Dec. 31, 2010	Dec. 31, 2011	Dec. 31, 2012
Life and Annuities	N/A	N/A	N/A
Accident and Health	\$0	\$0	\$0
Property and Casualty	\$22,482,231	\$18,257,067	\$18,692,583
Total Texas Premium	\$22,482,231	\$18,257,067	\$18,692,583
National Premium	\$46,273,274	\$50,023,232	\$51,843,573

STATE OF NEW YORK
DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

SURETEC INSURANCE COMPANY
Of Houston, Texas

a corporation organized under the laws of the State of Texas and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guarantees and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$69,333,236 (Capital \$5,000,000) as is shown by its sworn financial statement for the Third Quarter of September 30, 2012, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 20th day of November, 2012

Benjamin M. Lawsky
Superintendent

By *Jacqueline Cataffamo*
Jacqueline Cataffamo
Special Deputy Superintendent